IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 16786 of 2007(W)

AGAINST THE ORDER DATED / / IN EP. 250/2005 IN OS.175/2004 of ADDL. IST MUNSIFF COURT,KOCHI

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PETITIONER:

P.E.NICHOLAS, S/O.EASSY, AGED 49 YEARS,
PALLAYIL HOUSE, HOUSE NO.22/1808-A,
PAMBAIMOOLA, EDAKOCHI- 682 006.

BY ADV. SRI.MATHEW ABRAHAM

RESPONDENT:

THE EBEN EZER KURIES AND ENTERPRISES,
COCHIN REPRESENTED BY ITS MANAGING PARTNER
E.JOSEPH, S/O.ANTONY, HOUSE NO.C.C.16/1648,
WELFARE ROAD, COCHIN-5.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.16786 OF 2007

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Dated this the 1st day of June, 2007

JUDGMENT

This writ petition is preferred against the order of the Principal Munsiff's Court, Kochi in E.P.No.250/2005 in O.S.No.175/2004. The learned Munsiff ordered arrest and it was resisted by the judgment debtor. Since there is non-compliance of the order of the High Court the learned Munsiff issued arrest warrant. Technically and legally the order by the learned Munsiff does not suffer from any infirmity and he has only acted in compliance with the direction of this court on 30.1.2007. But the learned counsel for the revision petitioner very persuasively submits that he may be given one more opportunity to pay off the amount so that his client need not go to the jail. Though, I am not really satisfied with the conduct of the judgment debtor and since the learned counsel pursues me to give an opportunity to the judgment debtor to pay off the debt, I am inclined to give him one more opportunity as a last chance.

Therefore, writ petition is disposed of as follows: The revision petitioner is directed to pay the 3 instalments due, i.e. on 1.3.2007, 1.4.2007

and 1.5.2007 within a period of 3 weeks from today, deducting the amount which is already paid after 1.3.2007 to the decree holder or before court and pay the remaining amount in two instalments also in time as directed by this court. The order of arrest shall not be executed for a period of 3 weeks from today, so as to facilitate the judgment debtor to make the payment. If there is any default, the court shall proceed with the warrant of arrest and detain him in civil prison in accordance with law.

M.N.KRISHNAN, JUDGE

Cdp/-